Appl. No. 09/742,458
Amdt. dated April 4, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3623

PATENT

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed February 11, 2008. Claims 19-22, 25-27, 30, 33, 35, 36, 41-59, 61-65, and 67-70 were pending in the present application. This Amendment amends claims 19, 41, 63, and 70, without adding or canceling any claims, leaving pending in the application claims 19-22, 25-27, 30, 33, 35, 36, 41-59, 61-65, and 67-70. Reconsideration of the rejected claims is respectfully requested.

I. Rejection under 35 U.S.C. §103

Claims 19-22, 25-27, 30, 33, 35-36, and 41-59, 61-65, and 67-70 were rejected under 35 U.S.C. §103(a) as being obvious over *Joao* (US 6,662,194) in view of Knudson et al. (US 5,765,140) (hereinafter *Knudson*) and Donnelly et al. (US 6,049,776) (hereinafter *Donnelly*). Applicants respectfully submit that these references do not teach, suggest, or provide motivation for each element of these claims. For example, Applicants' claim 19 as amended recites a system for workforce procurement and management using a hosted network application, comprising:

at least one web server operable to host applications;
at least one database in communication with the web server and operable to store data for applications hosted on the web server; and
a workforce procurement and management application hosted on the at least one web server and operable to store data using the at least one database, the workforce procurement and management application including a plurality of modules accessible at varying levels to different participants in a hosted workforce procurement and management process, the modules including:
a skills fulfillment module providing a requirement function for specifying **a plurality of staffing requirements** for a project and a settlement function for tracking expenditures on the project;
an exchange module comprising a search function for matching **a plurality of digital portfolios of a plurality of contractors to the plurality of staffing requirements for the project**, wherein the contractors are made available to be hired for the project; and
a resource management module comprising a work journal function for collecting information substantially daily about work performed on the project by the hired contractor and automatically updating the digital portfolio of the hired contractor such that the search function of the exchange module has access to current portfolio data for the contractor, **the collected information including entries submitted by coworkers, subordinates, or other hiring managers of the contractor**, the collected information including at least one of performance review information for the hired contractor for the work performed on the project, new skill level information for the hired contractor obtained on the project, new skills obtained by the hired contractor on the project, and updated experience information for the hired contractor as a result of the work performed on the project, such that the digital portfolio data for the hired contractor remains current with skill, experience, and review information for the hired contractor; and

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> a knowledge management module comprising a reporting function and an analysis function, wherein the analysis function monitors an event of the workforce procurement and management application and the reporting function notifies a participant in the hosted workforce procurement and management process based on the event.

(*emphasis added*). Such limitations are neither taught nor suggested by these references.

For example, *Joao* teaches an apparatus for providing job searching services, recruitment services, and recruitment-related services (*Joao* col. 3, lines 17-24). Using the apparatus, prospective employees or contractors can search for, or be notified of, existing jobs that meet information entered by that employee, and potential employers can search for, or be notified of, potential employees or contractors that meet information entered by that employer (*Joao* col. 4, line 13-col. 5, line 16). Searches for applicable potential employees or jobs then can be executed, either manually or automatically according to selected criteria (*Joao* col. 22, line 42-53; col. 25, line 7- col. 26, line 10; col. 28, line 42-col. 30, line 12).

However, *Joao* does not teach or suggest "a skills fulfillment module providing a requirement function for specifying a plurality of staffing requirements for a project and a settlement function for tracking expenditures on the project" and "an exchange module comprising a search function for matching a plurality of digital portfolios of a plurality of contractors to the plurality of staffing requirements for the project, wherein the contractors are made available to be hired for the project." *Joao* teaches that the apparatus can be "utilized by employers and/or by other hiring entities desirous of securing the services of an individual, an employee, an independent contractor, and/or freelancer, either permanently and/or temporarily." (*Joao* col. 3, lines 40-45). In other words, *Joao*'s apparatus merely searches for a single individual to satisfy a single position independently of other positions that may be available for a project. In contrast, claim 19 provides a system that can match a plurality of staffing requirements for a project to a plurality of contractors. By matching multiple positions to multiple contractors, the system can be used to "source an entire project or team of individuals. Hiring managers or recruiters can model a project team with multiple skill requirements in multiple locations and possibly for differing time periods. The requirement may include the ability to totally outsource the project team and project deliverables. The RFP is sourced and

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approved as a whole and is not approved based on a single skill requirement or role. The catalog can be perused to facilitate the creation of the project requirements. The hiring manager or recruiter can search through the catalog and select a role with similar skills and configure the role using the catalog as a starting point or template. Skill requirements can be entered for both current and future project requirements." (Specification as published, ¶[0044]). As such limitations are neither taught nor suggested by *Joao*, *Joao* cannot render obvious Applicants' claim 19.

Further, *Joao* fails to teach or suggest that the collected information includes "entries submitted by coworkers, subordinates, or other hiring managers of the contractor" since, as recognized in the Office Action on page 5, *Joao* does not teach or suggest a resource management module comprising a work journal function for collecting information about work performed on the project by the hired contractor, let alone that the collected information includes entries submitted by coworkers, subordinates, or other hiring managers of the contractor.

Combining *Knudson* with *Joao* would not make up for the deficiencies in *Joao* with respect to Applicants' claim 19. *Knudson* is cited as teaching collecting information about work performed on a project by a contractor as a user updates time on a project using a time sheet (OA p. 6; *Knudson* col. 7, line 15-47). *Knudson* teaches collecting time sheet information periodically, such as weekly (*Knudson* col. 6, lines 50-54), such that a project manager can determine actual progress made on a project (*Knudson* col. 7, lines 15-47). However, *Knudson* does not teach or suggest that the collected information includes entries submitted by coworkers, subordinates, or other hiring managers of the contractor.

Combining *Donnelly* still does not make up for the deficiencies with respect to Applicants' claim 19. *Donnelly* teaches a resource management system including a server having a database containing files storing information on employees, employee skills, employee schedules and projects (*Donnelly*, Abstract). *Donnelly* fails to teach or suggest that the collected information includes entries submitted by coworkers, subordinates, or other hiring managers of the contractor. Further, the combined references provide no motivation for such limitations, and do not provide the resultant advantages.

Knudson and *Donnelly* thus cannot make up for the deficiencies in *Joao* with respect to Applicants' claim 19, such that claim 19 and the claims that depend therefrom cannot be rendered obvious by any combination of *Joao*, *Knudson*, and *Donnelly*. The other claims recite limitations that similarly are not taught or suggested by these references, for reasons including those discussed above, such that these claims also cannot be rendered obvious by these references. Applicants therefore respectfully request that the rejections with respect to these claims be withdrawn.

II.   Amendment to the Claims

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

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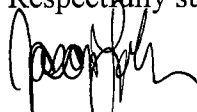Examining Group 3623

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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